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Security Council

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Letter dated 6 October 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Accra III Agreement on Côte d'Ivoire concluded on 30 July 2004 in Accra, to the statement by the President of the Security Council of 5 August 2004 (S/PRST/2004/29) and to my letters dated 16 August 2004 (S/2004/667), 3 September 2004 (S/2004/716) and 20 September 2004 (S/2004/748) concerning the monitoring of the Agreement.

Please find attached the fourth report of the Tripartite Monitoring Group established under the Accra III Agreement, covering the period from 15 to 30 September 2004 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Implementation of the Accra III Agreement

Fourth report of the Monitoring Group

Covering 15 to 30 September 2004

I. Overview

1. The overall security and military situation is calm in spite of reports of growing tension in the West in particular between elements of Forces Nouvelles and Licorne. Political developments in the country have been marked mainly by the activities commemorating the second Anniversary of the 19 September 2002 crisis. All the leaders of the political parties and forces made pronouncements on the sad events of that day, some reflecting disappointment over what was considered as scant progress in the implementation of the Accra III Agreement, in particular over the passage of the essential legislative texts in the National Assembly by the 30 September 2004 deadline and the start-up of the DDR process scheduled for 15 October 2004. Significant among the commemorative events is the initiative on the "Corridors of Peace" which is intended ultimately to allow families separated by the conflict to reunite. At the initial stage, convoys carrying children travelled out of the government-controlled south to the Forces Nouvelles controlled north with safe conduct provided by ONUCI peacekeepers. Other related activities to foster confidence building included a friendly football tournament involving the National Armed Forces of Cote d'Ivoire (FANCI), the armed wing of the Forces Nouvelles (FAFN) and the Impartial forces (ONUCI and Licorne). All these activities are meant to promote a culture of peace in consonance with the commemoration of the International Day of peace on 21 September 2004.

2. There is overall an air of expectancy and some anxiety over what the National Assembly and the political protagonists plan to do to advance the implementation of the Linas-Marcoussis and Accra III Agreements. The Press Communiqué issued after the Security Council meeting of 27 September 2004 on Cote d'Ivoire, as annexed to this report, has unleashed differing interpretations over the obligations which fall on the various political actors.

II. Salient developments in the peace process

Proceedings in the National Assembly

3. The period under review coincided with the formal closure of the extraordinary session of the National Assembly (11August-28 September 2004). At the closing

ceremony, indications were given that proceedings on the relevant legislative texts would continue during the ensuing Ordinary Session of the National Assembly scheduled for the period 6 October to 17 December 2004. It is necessary, therefore, to give an overview of the status of progress in the passage of these legislative texts. The legislative reforms envisaged under the Linas-Marcoussis Agreement comprise some sixteen (16) texts. So far **seven** (7) have been adopted. They relate to:

1. Amnesty
2. Identification of persons and residence of foreign nationals in Cote d'Ivoire
3. Establishment, organisation and functions of the National Commission on Human Rights
4. Ratification of the protocol signed in Ouagadougou on 30 June 1989 concerning the free circulation of persons, the right of residence and settlement
5. Amendment to article 26 of the Land tenure regime
6. Disclosure of the personal assets of the Head of State
7. Public funding of political parties and groups and electoral campaigns

4. The proceedings on **two** (2) texts have been suspended and these have been withdrawn for further changes, at the request of the President of the Republic. They relate to:

1. Amendment to the Nationality Code
2. Composition, organisation and functions of the Independent Electoral Commission

5. **Six** (6) other texts are yet to be submitted to the National Assembly. They relate to:

1. Ratification of the protocol signed in Banjul on 29 May 1990 concerning the free circulation of persons, the right of residence and settlement
2. Regime governing the Press
3. Regime governing the radio and television media
4. Status of the opposition parties
5. Disclosure of personal assets of elected persons

6. Suppression of illegal personal enrichment

6. An updated synoptic table on the Status of progress of legislative texts envisaged under the Linas-Marcoussis Agreement is attached as enclosure 1.

Electoral process

7. The Partners Group meetings initiated by ONUCI with the participation of UNDP, EU, Francophonie and other potential donors (UK, Switzerland, France) have continued their consultations since 1 September 2004. The objective is to put in place a forum for discussing issues involved in the electoral process with a view to finding practical solutions, including adequate funding, for the conduct not only of the presidential elections of October 2005 but also of a possible referendum, given a correct reading of the constitutional implications of amending article 35. The consultations have ranged on identifying such salient issues as, inter alia, the composition and functions of the Independent Electoral Commission, the Nationality code, identification, electoral lists and the amendment to Article 35. A tentative and theoretical time-table for the electoral process is to be drawn up and reviewed subsequently. The timing of the second visit of the UN Electoral Assessment Mission is under active consultation with New York.

DDR

8. The Coordination Committee comprising CNDDR, other national stakeholders and development partners continue their consultations to review technical preparations for the launching of the DDR. At their latest meetings, CNDDR presented the work programme of its planning committee. A number of issues are worthy of mention:

- The Defence and Security Forces and the Forces Nouvelles are to provide the CNDDR with the estimates of their respective troop strengths. The Forces Nouvelles are to submit the number of foreign combatants in their ranks. The President of CNDDR announced that he was looking into the problem of identification during the regroupment of forces.
- CNDDR announced that they were recruiting and training 600 staff to help them launch the public awareness campaign throughout the country. Given the conflicting information, as well as misinformation, coming from the media, it was suggested that CNDDR should issue regular press releases on the DDR process. Radio ONUCI would also be available to assist in disseminating any messages and news of related developments, such as the recent withdrawals of heavy arms by both sides. Other partners also offered to provide communications support.

- Recruitment of staff is underway for the six demobilisation sites (three in the North and three in the South) which are being rehabilitated by UNDP. It has been indicated that 90% of the equipment for the demobilisation, which is being provided by UNDP, is already in the CNDDR warehouse.
- It has been noted that the security arrangements in the North during and following DDR still needs to be agreed.

9. The FAFN is claiming a total number of 41,000 combatants as its force strength. However, the final number will need to be verified. The President of CNDDR has alerted all concerned that the amount of money available for benefits is fixed and cannot be increased to meet numbers that far exceed those that were used for planning purposes. He has indicated that if the numbers are substantially in excess of the projections then, individual benefits will have to be reduced.

Confidence-building measures

- *Corridors of Peace*

10. The period from 19 to 22 September 2004 was dedicated to the culture of peace, national reconciliation and the commemoration of the International Day of Peace, through confidence-building activities initiated by the Government of Côte d'Ivoire, ONUCI and other organizations of the UN system through the "Peace Corridors" Program and the friendly football tournament " Challenge of Hope" initiated by LICORNE and involving the members of the Quadripartite Commission (FANCI, FAFN, Impartial forces).

11. The official launching of the "Peace Corridors" program took place in Adjame, Abidjan on 19 September 2004. The program comprises three phases. **Phase I** concluded last week and also coincided with the 2nd Commemorative Week of the National Reconciliation Day and the UN International Day for Peace. It brought together some 160 school children (girls and boys from all ethnic and confessional groups, age 12-15) in Tiebissou (Zone of Confidence) to initiate dialogue among themselves and to serve as a demonstration in terms of confidence building and tearing down the wall of mistrust between parts of the country and segments of society. In Phase I, the children came from various parts of the country: Abidjan, Bouake, Yamoussoukro, and Tiebissou. Artists and musicians from Odienne and Abidjan attended the events and entertained the children. ONUCI and UN agencies (UNDP, OCHA, UNSECOORD, UNICEF, UNESCO) actively participated in the event, in partnership with the Government (Ministries of National Solidarity, Territorial

Administration, National Reconciliation, War victims) and NGOs (WANEP Réseau Régional de Construction de la Paix en Afrique de l'Ouest, Ecole pour Tous – EPT).

12. In addition to fostering an atmosphere of togetherness, through painting and other artistic activities, the children were given training in Children's Rights and Culture of Peace. They were symbolically nominated "Ambassadors for Peace".

13. **Phase II** (December 2004) will open up "corridors" in the West (Man-Guiglo), the Center (Bouake-Abidjan) and the East (Bouna-Bondoukou). **Phase III** (all through 2005) will open up various corridors to highlight recovery and development activities (by helping to reactivate the current dormant development projects portfolio of UN Agencies and some bilateral and multilateral donors).

14. To sustain the result of the initiative, activities will be followed up in creating a web link among the children who participated in the event, monitoring their behaviour in sharing the skills and lessons learnt within their communities, families, and schools.

15. The initiative carries valuable lessons, to further build on:

1. (a) The fact that the children were eager to embark on it, (b) that the parents agreed without reserve to endorse their children's participation, at very short (4 days) notice, and (c) the fact that all political and military authorities, from all sides, emphatically endorsed the initiative is a signal that there is a deep eagerness from all parties to reunite the country.

2. Many other actors have expressed requests to use the Peace Corridors Initiative as a platform to reunite other segments of society (e.g. the parliamentarians and their local constituencies, local business communities, IDPs, ...)

With the assistance of UNDP, an appropriate project document is being prepared to cover the programme under its second and third phases.

16. On the military side, the "Challenge of Hope football tournament" ended on 21 September 2004 in Yamoussoukro with a match between teams of FANCI and FAFN. FANCI won the "Corridor de la Paix" cup and the FAFN the second place cup and the fair play cup in recognition of their being the most disciplined team among the five competitors (FANCI, FAFN, ONUCI, ONUCI Civilian Police and Force LICORNE). The Minister of National Reconciliation, Sebastien Dano Djedje, the Chief of Staff of FANCI, Major-General Mathias Doue, the Chief of Staff of FAFN, Colonel Bakayoko attended the event along with members of the Monitoring Group of the Accra III

Agreement and members of the Monitoring Committee of the Linas-Marcoussis Agreement. Their presence was well appreciated by all participants.

17. The celebration of the International Day of Peace on 21 September 2004 started in Tiebissou in the zone of confidence, bringing together elements of the Defence and Security Forces and the armed wing of the Forces Nouvelles, and children conveyed to this town by the "Corridors de la Paix" program. Members of the Government of Cote d'Ivoire, the National Assembly and Authorities of FANCI and FAFN attended the ceremonies.

Extension and redeployment of administration

18. The Government's programme for the redeployment of the administration comes under the purview of a unit in the office of the Prime Minister designated *Comité national de pilotage du redéploiement de l'administration* (CNPRA – National pilot Committee for the redeployment of the administration). The coordinator is Mr. Hubert Oulaye, Minister of State, and Minister for the Public service. The Prime Minister has been on a recent mission to raise additional external funding to assist the Government in implementing this programme. Activities have gathered momentum as the impending school year approaches, the Government has mobilised large quantities of items and equipment for the educational institutions and health clinics. Responsibility for this rests with the Ministries of Education, Public service and Health among others. So far the operations cover education and health institutions in the areas of urgent need in the northern and western sectors such as Bin-Houye, Taï, Toulepleu, Bangolo, Zouan-Hounien, Blolequin, Guiglo and Duekoue.

19. As a further boost to this programme, it is significant to note that Mr. Yussuf Soumahoro, the Minister of Technical Education and Vocational Training, has given assurances to all those who will be involved in the transfers and the relocations to the educational institutions and public services in the zones under the control of the Forces Nouvelles. He declared that as a member of the Government and a member of the Forces Nouvelles, he would give assurances to all functionaries to return to their posts with a sense of security.

III. Human rights developments

20. As previously indicated, the International Commission of Inquiry (ICI) did not meet with certain key leaders of the Forces Nouvelles during its mission in Cote d'Ivoire. These include Mr. Guillaume Soro, Secretary General of the MPCI and Minister of Communication, Mr. Roger Banchi, Minister of Small and Medium-size Businesses and member of the *Mouvement Populaire Ivoirien du Grand-Ouest*

(MPIGO), Colonel Michel Guei, Minister of Sport and former Commander-in-Chief of Operations of MPCI, Mr. Tuo Fozie, Minister of Youth and Civic Service, and Mr. Kone Zakaria of the *Mouvement pour la Justice et la Paix* (MJP).

21. The Minister of Human Rights who had formally objected to the appointment of three members of the ICI prior to the latter's arrival in Cote d'Ivoire to commence its inquiry subsequently refused to meet with the members of the ICI during their visit to Cote d'Ivoire.

22. In a meeting with the ICI, the Coordinating Committee set up by the President of the Republic stressed the fact that the ICI had failed to meet with certain key leaders of the Forces Nouvelles who allegedly were responsible for certain gross human rights violations in Cote d'Ivoire.

23. Regarding the two Parliamentary Commissions of Inquiry (PCI) established to investigate, respectively the events of 19 September 2002 and those of 25-26 March 2004, there is not enough information, at this stage, to enable a fair assessment of their work and progress achieved so far.

IV. Conclusion

24. In the light of the stalemate in the proceedings of the National Assembly and the trend of political debate over issues relating to the implementation of the Linas-Marcoussis and Accra III Agreements, the Monitoring Group would reiterate the recommendations contained in its third report, namely: (i) consultations with President Gbagbo and other political stakeholders to ascertain the difficulties facing them vis-à-vis the passage of the relevant legal reforms; (ii) consultations among the four major Ivorian political leaders under the facilitation of ECOWAS and the African Union, to secure a politically acceptable and expedient solution to the controversy surrounding Article 35 and its applicability to the 2005 presidential election. In this regard, President Ahmad Tejan Kabbah of Sierra Leone arrived today on a visit expected to last several days. He came with the blessing of his sub-regional peers to add weight to the push to break the impasse threatening the Accra III Agreement. The next few days will enable an assessment of the result of his intervention.

On behalf of the Group
Raph **Uwechue**
Chairman

Abidjan, 30 September 2004

Enclosure 1

[Original: English and French]

SYNOPTIC TABLE

STATUS OF PROGRESS OF LEGISLATIVE TEXTS ENVISAGED UNDER THE LINAS-MARCOUSSIS AGREEMENT

Legislation	Adopted by the Government	Submitted to the National Assembly	Adopted in Committee of Assembly	Passed by the National Assembly	Promulgated
1) Legislation on the amendment to Article 35 of the Constitution	Yes	No	No	No	No
2) Legislation on the Ivorian Nationality Code as amended by Law No 72-852 of 21 December 1972	Yes	Yes[a]	No	No	No
3) Legislation on the amendment to article 26 of the Land tenure regime	Yes	Yes	Yes	Yes on 28/07/04	No
4) Legislation on the establishment, organization and functions of the National Human Rights Commission	Yes	Yes	Yes	Yes on 23/04/04	Yes on 03/05/04
5) Legislation relating to the disclosure of the personal assets of the Head of State	Yes	Yes	Yes	Yes on 28/07/04	No
6) Legislation on the public funding of political parties and groups and electoral campaigns	Yes	Yes	Yes	Yes on 09/09/04	No
7) Legislation authorising the President of the Republic to ratify the additional protocol A/SP1/6/89 amending and completing the provisions of article VII of the protocol, signed in Ouagadougou on 30 June 1989, concerning the free circulation of persons, the right of residence and settlement.	Yes	Yes	Yes	Yes on 27/07/04	No

[a] The President of the Republic has, by letter, requested the National Assembly to temporarily remove from its agenda the draft text of legislation on the Nationality Code.

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Legislation	Adopted by the Government	Submitted to the National Assembly	Adopted in Committee of Assembly	Passed by the National Assembly	Promulgated
8) Legislation authorising the President of the Republic to ratify the additional protocol A/SP2/5/90 relating to the implementation of the third step (right of settlement) of the protocol concerning the free circulation of persons, the right of residence and settlement signed in Banjul on 29 May 1990	Yes	Yes	Yes	No[a]	No
9) Legislation on Amnesty	Yes	Yes	Yes	Yes on 06/08/03	Yes On 08/08/03
10) Legislation on Identification of persons and Residence of foreign nationals in Cote d'Ivoire	Yes	Yes	Yes	Yes on 23/04/04	No
11) Legislation on the composition, organization and functions of the Independent Electoral Commission	Yes	Yes	No Suspended on 26/08/04	No	No
12) Legislation on the regime governing the Radio and Television media	Yes	No	No	No	No
13) Legislation on the regime governing the Press	Yes	No	No	No	No
14) Legislation on the status of the opposition parties	No	No	No	No	No
15) Legislation on the disclosure of the personal assets of elected persons	No	No	No	No	No
16) Legislation on suppression of illegal personal enrichment	No	No	No	No	No

[a] Postponed pending additional information to be provided by the Minister of Foreign Affairs.

DECREES

Draft decree	Adopted by the Government
1) Decree on the establishment, organization, functions of the National Identification Commission	Yes on 6 January 2004
2) Decree on the acquisition and format of the National identity card	Yes on 7 January 2004
3) Decree relating to the amendment of the decree on the establishment of the National Identification Office	Yes in January 2004
4) Decree relating to the appointment of the Chairman of the National Identification Commission	Yes on 29 January 2004
5) Decree relating to the appointment of the Secretary General of the National Identification Commission	Yes on 29 January 2004
6) Decree relating to the establishment of the Inter-ministerial Commission on the Media and its technical Secretariat	Yes on 19 August 2003

Enclosure 2

[Original: English and French]

COTE D'IVOIRE – SECURITY COUNCIL PRESS STATEMENT

New York, 27 September 2004. --- The members of the Security Council heard this morning a briefing by the Special Representative of the Secretary General for Côte d'Ivoire, Mr. Albert TEVOEDJRE. The Security Council expressed its support for the efforts of the SRSG to bring peace and stability to Côte d'Ivoire.

The members of the Council took note with satisfaction of the resumption of the activities of the government of national reconciliation in accordance with the commitments taken during the Accra III Summit of 30 July 2004.

However, the members of the Council expressed concern over the lack of progress in key sectors of the national reconciliation process in Côte d'Ivoire, just before the deadlines agreed in Accra III The members of the Council underlined that this lack of progress is not only holding back the peace process in Côte d'Ivoire, but is also detrimental to further progress in the sub-region as a whole.

The members of the Council exhorted in particular President Laurent GBAGBO to do everything in his power to ensure the revision of article 35 of the constitution as he committed himself in Accra. They also exhorted the Forces Nouvelles to start as soon as possible before 15 October and without preconditions the demobilization, disarmament and reintegration process to which they committed themselves in Accra. They stressed that all paramilitary and militia groups must also be disarmed. They exhorted Ivorian members of parliament to accelerate consideration of legislative reforms in the National Assembly with a view to their adoption before the end of this month, in particular the law on the independent electoral commission.

The members of the Council condemned the attacks against ONUCI personnel and stated that those responsible for these attacks should be held accountable.

The members of the Council expressed grave concern for the human rights situation in the country looked forward to the upcoming report of the international commission of inquiry.

The members of the Council recalled in the strongest terms that open, free and fair elections before November 2005, in accordance with the Ivorian Constitution, is the only possible solution to a peaceful settlement of the crisis in Côte d'Ivoire.